

Application No. 10/576,687  
Docket No.: IRD-0013  
Amendment dated December 27, 2007

**AMENDMENTS TO THE DRAWINGS**

**Please cancel FIG. 9 without prejudice or disclaimer.**

### **REMARKS**

This is in full and timely response to the non-final Official Action of August 7, 2007. Reexamination in light of the following remarks is respectfully requested. No new matter has been added.

Claims 3-26 are currently pending in this application, with claims 3, 4 and 26 being independent.

#### **I. Information Disclosure Statement**

Applicant thanks the Examiner for providing an initialed copy of form PTO/SB/08a/b, which was submitted by the Applicant on April 21, 2006.

#### **II. Objection to Drawings**

The drawings are objected to because the sheet 9/9 indicating the list of reference numerals in the figures is not compiled to provide under drawing sheets. By the foregoing amendment, FIG. 9 has been canceled. The objection is now moot. Therefore, withdrawal of the objection is respectfully requested.

#### **III. Objection to the Specification**

The specification is objected to because only figures 1-8 are described under Brief Description of the Drawings, but the drawing disclosure contains FIG 9. By the foregoing amendment, FIG. 9 has been canceled. Therefore, the objection to the specification is now moot. Therefore, withdrawal of the objection is respectfully requested.

#### **IV. Claim Rejection under 35 U.S.C. 112**

Claims 1-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, the Office Action asserts that “with respect to claims 1-4, the phrases relates to “when the energy consumption has increased or has not decreased as a result.” in a part of the control portions in each claims 1-4 are unclear, since they are proportional with the adjusted control amount, thus, it is vague if the adjusted control amount decreases, and questions as to how the energy consumption has not decreased as recited in the claims.”

By the foregoing amendment, claims 1 and 2 have been cancelled and claims 3 and 4 have also been amended so as to overcome the rejection. Therefore, withdrawal of the rejection and allowance of the claim is respectfully requested.

Applicant believes that the rejection of claims 5-15 have been overcome by overcoming the rejection of claims 1-4, since no other ground for 112 rejection of claims 5-15 has been provided within the non-final Office Action. Therefore, allowance of claims 5-15 is respectfully requested.

## **V. Claim Rejection under 35 U.S.C. 102(b)**

Claims 1, 2, 5, 10, 11, 15 and 17-25 are rejected under 35 U.S.C. 102 (b) as being anticipated by Kenzo et al (JP06-198585).

### **A. Claim 1 and 2**

As mentioned above, claims 1 and 2 have been canceled. Therefore, the rejection is now moot. Therefore, withdrawal of the rejection is respectfully requested.

### **B. Claims 5, 10, 11, 15, 17-25**

By the foregoing amendment, claims 5, 10, 11, 15, 17-21 have been amended so that all the claims 5, 10, 11, 15, 17-25 depend on claim 3 or 4, respectively.

Although claims 3 and 4 are rejected only under 35 U.S.C. 112, they have been amended to overcome the rejection, as discussed above. Further, no other ground for rejection of claims 3 and 4 is provided within the non-final Office Action. Therefore, Applicant believes that the rejection of

claims 5, 10, 11, 15, 17-25 have been overcome by the amendment to claim 3 and 4. Accordingly, withdrawal of the rejection and allowance of these claims is respectfully requested.

## **VI. Allowable Subject Matter and Newly Added Claim**

### **A. Claim 26 (corresponding to former claim 6)**

Appreciation is expressed for the indication that claim 6 contains allowable subject matter. Accordingly, claim 26 has been added so as to include all the features of claims 1 and 6. Therefore, allowance of the claim 26 is respectfully requested.

Please note that there is inconsistency between the statement of Rejection under 35 U.S.C. 112, second paragraph and the statement of allowable subject matter. Applicant believes that the rejection under 35 U.S.C. 112 has been overcome by incorporating the features of claim 1 to the features of claim 6 to form claim 16.

### **B. Claims 3 and 4**

Also, the Office Action also indicates that claims 3 and 4 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112, 2nd paragraph.

As discussed above, claims 3 and 4 have been amended to overcome the rejection. Therefore, withdrawal of the rejection and allowance of the claims 3 and 4 is respectfully requested.

## **VII. Conclusion**

In view of the following arguments, all claims are believed to be in condition for allowance over the prior art of record. Therefore, this response is believed to be a complete response to the Office Action. However, Applicant reserves the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers. Further, for any instances in which the Examiner took

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Official Notice in the Office Action, Applicant expressly does not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

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Respectfully submitted,

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